

 **MERCED IRRIGATION DISTRICT**

December 8, 2003

David Naveckey
Surface Transportation Board
Case Control Unit, 1925 K Street NW, Suite 500
Washington, D.C. 20423

Re: Finance Docket No. 34305, The Burlington Northern and Santa Fe Railway Company (BNSF) – Construction and Operation Exemption – in Merced County, California; Environmental Assessment

Dear Mr. Naveckey:

The Merced Irrigation District (MID) has reviewed the above referenced request and offers the following comments:

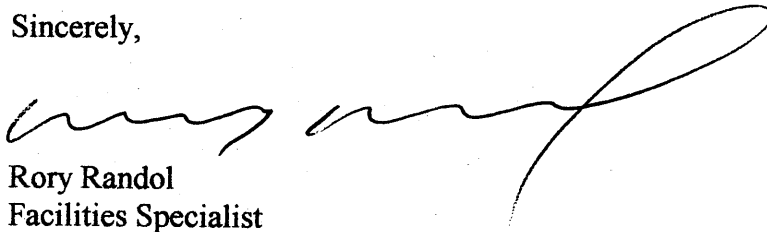
MID owns a 40-foot wide fee strip known as the Merced Lateral "A-2" obtained from Crocker Huffman Land & Water Co. as recorded February 1, 1922 in Volume 12, Official Records, at Page 1, Merced County Records, located between Quebecor World Inc. and the Santa Fe mainline. The proposed spur line would have to cross over said fee strip. There are currently no physical remnants of the lateral that once occupied the 40-foot wide fee strip.

MID respectfully requests the Surface Transportation Board require, as conditions of approval, the following:

That BNSF enter into a "Crossing Agreement" with the MID to allow the proposed spur to transverse MID's fee strip. Another option would be to have the surrounding property owners petition the MID to purchase the fee strip. Since the conversion of previously agricultural lands to commercial and industrial uses in this area, the fee strip is no longer utilized for transporting irrigation water and no lateral currently exists at this site.

Thank you for the opportunity to comment on the above referenced request. If you have any questions, please contact me at 722-5761.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rory Randol', with a large, stylized loop at the end.

Rory Randol
Facilities Specialist

cc: Ross Rogers, General Manager
Robert Acker, Director of Facilities and Planning
Hicham ElTal, Manager of Engineering - Water Resources
Ron Price, Associate Engineer